

REMARKS

This Amendment is submitted in response to the final Office Action dated September 23, 2003. In the September 23, 2003 Office Action, the Examiner maintains his rejection based on the combination of teachings in Logan and Foley et al. This rejection is respectfully traversed. Reconsideration of the application in view of the amendments made herein and these remarks is earnestly solicited.

The application, as currently amended, includes five independent claims. Independent claim 1 is directed to a waterproof lyrics display system while independent claim 38 is directed to a display system in general. Independent claims 32, 34 and 35 are method claims. The critical feature in all of the claims is the following:

- the page, poster or book is rendered waterproof;
- the page, poster or book is affirmatively wetted; and
- the page, poster or book is releasably attached and/or adhered to a vertical surface of a shower enclosure solely by means of water adhesion (with no other physical attachment mechanism in combination) due to the wetted page, poster or book forming a layer of water between the page, poster or book and the vertical surface of the shower enclosure.

It is submitted that Foley and/or Logan, taken alone or in combination, neither teaches nor suggests the above combination of features/steps.

The primary reference relied upon by the Examiner is the Logan patent, which teaches a kit comprising a plurality of pages containing song lyrics. The Examiner admits in the September 23, 2003 Office Action that Logan fails "to teach the pages are waterproof and support means for supporting the pages in a shower enclosure." Thus Logan, while arguably teaching a page, poster or book containing lyrics, fails to teach or suggest the features of the

page, poster or book being waterproof; the page, poster or book being affirmatively wetted; and the adhesion or attachment of the page, poster or book to a shower enclosure or vertical surface solely by means of water adhesion as a result of the page, poster or book being pre-wetted. Therefore, the Logan reference is of little relevance.

The second reference to Foley describes an instructional display comprised of a body, a representation which illuminates, a timer and an audio source. Obviously, the instructional display taught in Foley is far different than a page of paper, poster or book. In addition, the Foley patent states that the instructional display body, which includes a timer display and functional buttons thereon (column 2, lines 50-51), is preferably waterproof so that the display can be utilized in the shower or other humid/wet environments. The Foley patent further states that the body is made of plastic or some other material such as metal, rubber or other polymers.

Accordingly, the Examiner's suggestion that it would be obvious to one of skill in the art to modify "the pages of Logan with the teaching of waterproof pages" is completely inconsistent with what Foley actually describes, namely, a waterproofed plastic, metal or rubber body containing electronics therewithin. From this alone, one of skill in the art would not combine the Logan and Foley teachings.

More importantly, the Examiner relies on Foley for describing a support means, such as an adhesive portion 38, for attaching the Foley display to a shower surface. Indeed, Foley specifically states that display 10 can be attached to a surface during usage or storage by an attachment means disposed on one of its sides 30 (see FIG. 2). This attachment means can either be a magnetic portion or an adhesive portion; it may also be velcro, glue, screws, hooks, suction cups or stands. What Foley fails to describe is the use of an adhering or an attachment mechanism solely comprising water adhesion.

In particular, there is simply no suggestion in Foley that the electronic instructional

display could be attached to any surface, including the surface of a shower, by means of water adhesion. In the first place, all of the attachment means described in Foley are affirmative physical attachment mechanisms which are added on to the display along one of its sides. Secondly, water adhesion for attaching the electronic display to a surface would not be a possible alternative since water adhesion would require the affirmative wetting of the display; it would be illogical to affirmatively wet the display as it includes various types of electrical components.

Thirdly, and perhaps most importantly, the means for attaching described in Foley must be suitable for application during usage or storage of the display (see column 4, line 62). Even if it is argued that usage means usage in a shower or other humid/wet environment and thus wetting can somehow be implied, storage is clearly not contemplated in such a humid/wet environment and, therefore, water adhesion as the sole means for attaching the display to a surface during storage would be impossible. Rather, the Foley teaching mandates that a physical attachment member, such as a magnet or an adhesive, be provided along the back of the display so that it can be attached either during usage or storage. The use of water adhesion, for this varied purpose, would make absolutely no sense.

Accordingly, it is submitted that Logan, even if combined with the teaching in Foley, fails to describe the inventive method and system. The Foley supporting means, in contrast to the Examiner's contention, is not at all equivalent to the use of water adhesion by first soaking the page, poster or book, as affirmatively recited in the claims.

Accordingly, it is applicant's position that the combination of Logan and Foley fails to teach or suggest the claimed method and system. Not only would it not be obvious to one of skill in the art to combine Logan with Foley, as Logan is directed to an instructional display with a body having electronic components and Logan is directed to a plurality of pages containing

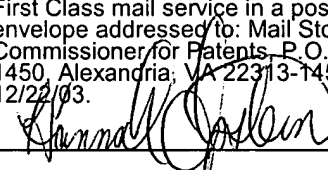
song lyrics, even if combined, there is no suggestion of affirmatively wetting a page poster or book that has been pre-waterproofed in order to apply or adhere a page, poster or book to a shower wall surface solely by means of water adhesion, that is the water that is wetted along the page, poster or book facilitates forming a water layer between the page, poster or book and the wall surface.

Applicant notes that the language now present in all the claims relating to wetting the page, poster or book was recited in the claims as originally presented, namely, original claims 16, 32, 33 and 34. The same can be said regarding the language water relating adhesion as a result of a water layer formed between the page, poster or book and the shower enclosure surface -- see original claim 15.

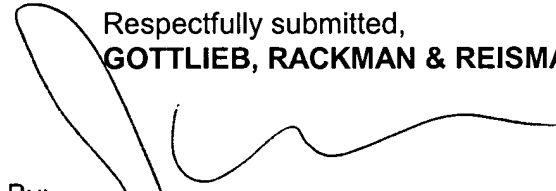
In view of the above, it is respectfully requested that claims 1-2, 5-6, 16,18, 24-26, 28-29, 32, 34-35 and 38-45, all the claims now present in the application, should be granted allowance.

It is believed that no additional fees are required, but if any fees are required, they should be charged to Deposit Account No. 07-1730.

Early and favorable action is respectfully requested.

<p>CERTIFICATE OF MAILING UNDER 37 CFR §1.8</p> <p>I hereby certify that this correspondence is being deposited with the United States Postal Service via First Class mail service in a post-paid envelope addressed to: Mail Stop AF, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on 12/22/03.</p> <p> Hannah Epstein</p>

Respectfully submitted,
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